

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jeffrey Mulinelli (S)	Team: Squad #7	CCRB Case #: 201800672	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 01/19/2018 , Tuesday, 01/23/2018 3:54 PM	Location of Incident: [REDACTED]	Precinct: 120	18 Mo. SOL 7/23/2019	EO SOL 7/23/2019	
Date/Time CV Reported Thu, 01/25/2018 11:30 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 01/25/2018 11:30 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Geovani Sanchez	23649	946215	120 PCT
2. POM Salvatore Mannino	09616	956877	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Geovani Sanchez	Abuse: Police Officer Geovani Sanchez stopped § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Salvatore Mannino	Abuse: Police Officer Salvatore Mannino stopped § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Geovani Sanchez	Abuse: Police Officer Geovani Sanchez frisked § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Salvatore Mannino	Abuse: Police Officer Salvatore Mannino frisked § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On January 25, 2018, § 87(2)(b) filed this complaint via phone with the CCRB.

On January 23, 2018, § 87(2)(b) and his friend, § 87(2)(b) were in the vicinity of § 87(2)(b) in Staten Island when § 87(2)(b) was allegedly stopped by PO Salvatore Mannino and PO Geovani Sanchez of the 120th Precinct Anti-Crime Team (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) voluntarily emptied his pockets onto the hood of a parked car, at which point both officers frisked him by patting over his clothing (**Allegations C and D: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) was not arrested or summonsed during this incident.

Surveillance footage obtained from § 87(2)(b) did not capture this incident.

Findings and Recommendations

Allegations Not Pleaded

§ 87(2)(b) alleged that an officer asked him, “What you got?” during the stop. Given that this question was asked during the stop, it was subsumed into the stop allegation rather than being pleaded separately.

§ 87(2)(b) acknowledged that he voluntarily removed and displayed the contents of his pockets without any prompting from the officers. As such, a search allegation was not pleaded.

§ 87(2)(b), § 87(2)(g)

Allegation A – Abuse of Authority: Police Officer Geovani Sanchez stopped § 87(2)(b)

Allegation B – Abuse of Authority: Police Officer Salvatore Mannino stopped § 87(2)(b)

Allegation C – Abuse of Authority: Police Officer Geovani Sanchez frisked § 87(2)(b)

Allegation D – Abuse of Authority: Police Officer Salvatore Mannino frisked § 87(2)(b)

§ 87(2)(b) was uncertain of the date on which this incident occurred. Upon reporting the incident to the CCRB, he stated that it occurred on January 23, 2018. However, during a follow-up call, he asserted that the date of occurrence was January 22, 2018. During his in-person interview on February 1, 2018, § 87(2)(b) maintained that the incident occurred on January 23, 2018, as first reported, though he struggled to provide an approximate time of occurrence. Rather, he provided an approximate time of occurrence as 12:00 p.m. as he left school at 11:00 a.m. and took a 45 minute bus ride to a stop near his home.

As § 87(2)(b) and § 87(2)(b) walked along Sobel Court and approached Park Hill Avenue, § 87(2)(b) spotted two officers circling the block in an unmarked Chevrolet Impala. § 87(2)(b) recognized these officers from prior street encounters, including one in which they had apprehended him pursuant to a bench warrant on January 19, 2018. These officers were identified

by the investigation as PO Mannino and PO Sanchez. § 87(2)(b) notified § 87(2)(b) of the officers' presence, after which he and § 87(2)(b) turned and walked slowly in the opposite direction. § 87(2)(b) and § 87(2)(b) walked approximately one block to § 87(2)(b)'s residence at § 87(2)(b) where they encountered the officers in their vehicle.

According to § 87(2)(b) one of the officers asked § 87(2)(b) "What you got?" Of his own volition, § 87(2)(b) removed the contents of his own pockets, which included two cell phones and a paper. He placed the items on the hood of a parked car. § 87(2)(b) also turned out the bags of the pockets in his sweatpants. § 87(2)(b) acknowledged that no officer instructed him to remove anything from his pockets.

§ 87(2)(b) stated that PO Sanchez patted § 87(2)(b)'s jacket pockets, the sides of his waistband, and then over his pants pockets. § 87(2)(b) also initially alleged that the officers reached into his pockets with their hands, though later in the same interview he explicitly denied that any officer placed his hands into § 87(2)(b)'s pockets. After PO Sanchez frisked § 87(2)(b) he stood in front of § 87(2)(b) as PO Mannino conducted another frisk in exactly the same manner. The frisks produced negative results [01-03 Board Review].

§ 87(2)(b) did not have a working phone number for § 87(2)(b) who was ultimately unavailable to the investigation [see IAs].

PO Mannino testified that he has interacted with § 87(2)(b) on several occasions. On an unknown date, he observed § 87(2)(b) hanging out on Targee Street with a gang member, § 87(2)(b). § 87(2)(b) reportedly gestured to § 87(2)(b) by making a gun shape with his hand. PO Mannino understood this to be a warning that § 87(2)(b) should leave because § 87(2)(b) had a firearm. § 87(2)(b) crossed the street and walked away with his hand in his jacket pocket. This raised PO Mannino's suspicion, so the officers followed § 87(2)(b). PO Mannino lost sight of § 87(2)(b) for less than ten minutes but then observed him standing in front of § 87(2)(b).

According to PO Mannino, the officers spoke to § 87(2)(b) for less than two minutes. He did not remember any details of this conversation, though he stated that he no longer suspected § 87(2)(b) of possessing a weapon because § 87(2)(b) would not have been standing in public if he had, in fact, been in possession of a weapon. § 87(2)(b) was "cool, calm, and collected" during the incident, and he took no actions which caused PO Mannino to fear for his safety. PO Mannino did not remember whether he or PO Sanchez asked § 87(2)(b) what he had or if they asked him any questions about the contents of his pockets. He did not remember whether § 87(2)(b) ever emptied the contents of his pockets. PO Mannino did not remember whether he or PO Sanchez frisked § 87(2)(b) during this incident. PO Mannino stated that he did not prepare a Stop Report for this incident because he recalled only a conversation with § 87(2)(b) which he did not believe to rise to the level of a stop [04 Board Review].

Similar to PO Mannino, PO Sanchez initially testified that he had no memory of an incident occurring specifically on January 23, 2018. Rather, he stated that he sees § 87(2)(b) multiple times per week and often greets him.

PO Sanchez denied speaking with § 87(2)(b) in front of § 87(2)(b) on or about January 23, 2018, though he acknowledged that § 87(2)(b) is a known gang member who frequently hangs out there and that he has spoken with § 87(2)(b) at the location numerous times. PO Sanchez did not recall stopping § 87(2)(b) in front of § 87(2)(b). He did not recall asking § 87(2)(b) “What you got?” or any questions about the contents of his pockets. He did not remember making any observations on or about January 23, 2018, which suggested to him that § 87(2)(b) possessed a weapon. PO Sanchez did not remember whether he frisked § 87(2)(b) or if § 87(2)(b) removed items from his own pockets for any reason.

PO Sanchez stated that he did not remember whether he performed a warrant audit for § 87(2)(b) on January 23, 2018. When presented with audit search results indicating that he performed warrant audits for § 87(2)(b) on January 23, 2018, PO Sanchez testified that such audits may be performed at the stationhouse or while encountering an individual on the street. PO Sanchez testified that he did not remember why he performed these audits, and that seeing the document did not refresh his memory of the incident [05 Board Review].

According to the audit search results, PO Sanchez performed warrant audits for § 87(2)(b) on January 23, 2018, at 3:54 p.m. and 3:58 p.m.[06 Board Review]. Neither officer made a memo book entry for this incident [16 Board Review]. No additional documentation was generated for this incident.

Based on § 87(2)(b)'s estimated time of occurrence, video footage obtained from § 87(2)(b) had footage from approximately 10:30 a.m. to 3:00 p.m. on January 22, 2018, and January 23, 2018. Neither date contained footage of the incident [07-14 Board Review].

It is undisputed that there have been numerous street encounters between § 87(2)(b), PO Mannino, and PO Sanchez. § 87(2)(g)

Further, while both officers acknowledged speaking with § 87(2)(b) in some manner, PO Mannino and PO Sanchez denied remembering whether they stopped or frisked § 87(2)(b).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party [15 Board Review].
- PO Mannino has been a member of service for three years and has been a subject in two other CCRB complaints and five other allegations, none of which were substantiated. § 87(2)(g)

§ 87(2)(g)

- PO Sanchez has been a member of service for ten years and has been a subject in five other CCRB complaints and nine other allegations, none of which were substantiated. § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- A Notice of Claim inquiry was submitted to the Office of the New York City Comptroller on April 23, 2018. Its results will be added to the case file upon receipt.
- § 87(2)(b)

Squad No.: 7

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date